

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

|                                     |   |                    |
|-------------------------------------|---|--------------------|
| CHARLES B. ANDERSON JR.,            | ) |                    |
|                                     | ) |                    |
| Plaintiff,                          | ) |                    |
| vs.                                 | ) | NO. CIV-16-1060-HE |
|                                     | ) |                    |
| LIEUTENANT FALSTED, <i>et al.</i> , | ) |                    |
|                                     | ) |                    |
| Defendants.                         | ) |                    |

**ORDER**

Plaintiff Charles B. Anderson Jr., a federal prisoner appearing *pro se* and *in forma pauperis*, filed this Bivens<sup>1</sup> action against eleven employees at the Federal Correctional Institution, El Reno, where he previously was incarcerated. Consistent with 28 U.S.C. §636(b), the matter was referred to Magistrate Judge Charles B. Goodwin for initial proceedings. He conducted an initial review of the complaint pursuant to 28 U.S.C. §§ 1915A(a) and 1915(e)(2)(B)(ii) and recommends that plaintiff’s claims against the ten “John and Jane Doe” defendants in Count II of the complaint should be dismissed.

The magistrate judge concluded that, while plaintiff did not necessarily have to be able to identify the defendants or know the prison officials’ specific titles in order to state a claim against them, he had failed to allege sufficient information “to provide each individual with fair notice as to the basis of the claims against him or her, as distinguished from collective allegations.” Doc. #21, pp. 6-7 (quoting Kansas Penn Gaming, LLC v.

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<sup>1</sup> Bivens v. Six Unknown Named Agents of Fed. Bur. of Narcotics, 403 U.S. 388 (1971).

Collins, 656 F.3d 1210, 1215 (10th Cir. 2011)). Plaintiff failed to object to the Report and Recommendation and thereby waived his right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010); *see* 28 U.S.C. §636(b)(1)(C).

Accordingly, the court adopts Magistrate Judge Goodwin's Report and Recommendation and dismisses without prejudice plaintiff's claims in Count II against the John and Jane Doe defendants. This order does not terminate the referral to the magistrate judge.

**IT IS SO ORDERED.**

Dated this 6<sup>th</sup> day of October, 2017.

  
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JOE HEATON  
CHIEF U.S. DISTRICT JUDGE